IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.64 OF 2005

IN

WRIT PETITION NO.265 OF 2005

MR. MITHALAL SISODIYA & ANR. ... PETITIONERS.

VS.

STATE OF MAHARASHTRA & ORS. ... RESPONDENTS.

MR. A.Y.SAKHARE ALONGWITH RAJ SINGHVI I/B.PILLAI & CO. FOR THE PETITIONERS.

MS. GEETA SHASTRI AGP FOR THE RESPONDENT NO. 1 & 2.

MR. R.A. DADA ALONGWITH MILIND VASUDEO I/B. M.G.GAWDE FOR RESPONDENT NOS. 3TO 9 AND 13.

Coram : S.K.Shah, J.

Date : October 21, 2005.

P.C.:

1. Heard the learned Counsel on both sides.

2. The direction that was given by Order, dated 6th May, 2005 was that the applications for the Membership shall be considered and disposed off within 6 weeks from the date of the Order. The period of six weeks expired on 17.6.2005. The decision was taken on 1.7.2005. Therefore, it is alleged that contempt has been committed.

3. The 2nd ground for contempt is that the applications for membership were rejected on the ground that there had been 56 members already and, therefore, the committee, by majority, decided not to have any more members. The contention of the Petitioner is that this was not a valid reason.

4. There is nothing to indicate that the Respondents have deliberately, with a view to disobey the Order of this Court committed delay by rejecting the application for membership by giving reasons, which

according to the Petitioners is, invalid.

5. In fact, the Respondents had applied for extension of time but the same was rejected. Therefore, there was delay. However, the validity of the reasons for rejection of membership applications could be agitated before the Charity Commissioner and not in contempt petition.

6. Under the circumstances, I do not find any merit in the contempt petition. The contempt petition is, therefore, dismissed.

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[S.K.Shah , J.]